

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-23 are pending in the present application. Claims 1-13 and 15-23 have been amended. Claims 1, 3, 7, 11, 13, 15, 19, and 23 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

Initially, Applicants point out that apparatus claims 1-12 have been amended to remove “means” language, and disavow an intent to invoke the provisions of 35 U.S.C. § 112, 6th paragraph.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claim 12 as being allowable if rewritten in independent form.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized Applicants’ claim for foreign priority. In view of the fact that Applicants’ claim for foreign priority has been perfected, no additional action is required from Applicants at this time.

Drawings

It is gratefully acknowledged that the Examiner has accepted the Formal Drawings filed on May 26, 2006 for examination purposes.

Acknowledgment of Information Disclosure Statement

The Examiner has not yet acknowledged the Information Disclosure Statement (IDS) filed on June 6, 2008. Applicants respectfully request the Examiner to consider the references cited in the June 6, 2008 IDS and return an initialed copy of the corresponding PTO/SB/08 form at the Examiner's earliest convenience.

Applicants do note that the Examiner did acknowledge the IDS filed on May 26, 2008, and that a copy of the corresponding PTO/SB/08 form has been received indicating that all references cited in such IDS have been considered.

Rejection Under 35 U.S.C. § 103

Oberg/Wendt

Claims 1-10 and 13-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberg et al. (US 5,751,149) in view of Wendt et al. (US 5,194,823). This rejection is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit that Oberg and Wendt, taken separately or in obvious combination, fail to teach or suggest every feature of the claimed invention.

Independent claims 1, 13:

Independent claims 1 and 13 require transmitting a selected one of a radio frequency signal and a pulse signal obtained by carrying out pulse modulation of the radio frequency signal to an external device. Specifically, the claims require the radio frequency signal to be selected when a power supply is to be provided to the external device, and the pulse signal to be selected when data is to be provided to the external device.

Neither Oberg nor Wendt teaches or suggests the aforementioned claimed features. Particularly, neither the disclosure of Oberg nor of Wendt even suggests providing a power supply to an external device by transmission. Oberg's invention is only concerned with locating faults within a transmission system by sending a singular pulse into a transmission line and detecting a reflection thereof due to line error (abstract; col. 1, lines 6-31). Wendt discloses a modulation circuit for an RF power amplifier, which compensates for non-linear control characteristics of the RF power amplifier by comparing the generated pulse (16) to the actual pulse (8) transmitted by the RF power amplifier (Fig. 4; abstract; col. 5, line 45 – col. 6, line 2).

In addition to not providing a power supply, neither Oberg's fault detection circuit nor Wendt's modulation/RF power amplifier selects between different signals for transmission to an external device

As such, neither Oberg nor Wendt teaches or suggest selecting between two different signals to be transmitted to the external device on the basis of whether a power supply or data is to be provided to the external device, as required by claims 1 and 13. At least for the reason, independent claims 1 and 13 are in condition for allowance. Accordingly, claims 2 and 14 are allowable at least by virtue of their dependency on allowable independent claims.

Independent claims 3 and 15:

Independent claims 3 and 15 require making a duty ratio of the transmitted pulse signal higher when the signal is being transmitted to provide a power supply to the external device, than when the signal is being transmitted to provide data to the external device. Oberg and Wendt fail to teach or suggest this feature.

As mentioned above in connection with claims 1 and 13, neither Oberg nor Wendt even suggests transmitting a signal to provide a power supply to an external device. As such, there can be no teaching or suggestion in either reference of making the duty ratio of the transmitted signal dependent on whether it is providing a power supply to the external device, as required by claims 3 and 15.

As such, Oberg and Wendt, taken separately or in obvious combination, fail to teach or suggest every feature of independent claims 3 and 15. At least for this reason, claims 3 and 15 are in condition for allowance. Accordingly, claims 4-6 and 16-18 are allowable at least by virtue of their dependency on allowable independent claims.

Independent claims 7 and 19:

Independent claims 7 and 19 require selectively transmitting either the pulse signal output from a first amplifier, or the pulse signal output from the second amplifier (i.e., amplified by both the first and second amplifiers), to an external device. Further, these claims require making the duty ratio of the pulse signal dependent upon such selection. Oberg and Wendt fail to teach or suggest such features.

Particularly, there is no teaching or suggestion in either Oberg or Wendt of selecting between the outputs of different amplifiers to be transmitted to an external device. The Examiner admits that Oberg fails to teach or suggest first and second amplifiers (see Office Action at page 5), but cites to Wendt's RF power amplifier to teach the claimed second amplifier (see *id.*) However, Wendt requires *all* pulse signals which are transmitted to external devices to pass through the RF power amplifier. Since Wendt's invention is not capable of bypassing the RF power amplifier when transmitting to external devices, there is no teaching or suggestion in Oberg/Wendt of selecting between the outputs of the first and second amplifiers for such transmission, as claimed. Nor can there be any teaching or suggestion in Oberg/Wendt of making the duty ratio of the transmitted pulse signal dependent upon such selection, as required by claims 7, 11, 19, and 23.

As such, Oberg and Wendt fails to teach every claimed feature of independent claims 7 and 19. At least for this reason, claims 7 and 19 are in condition for allowance. Accordingly, claims 8-10 and 20-22 are allowable at least by virtue of their dependency on allowable independent claims.

Rejection should be Withdrawn:

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. § 103(a) based on Oberg and Wendt.

Oberg/Wendt/Richardson

Claims 11 and 23 stand rejected under § 103(a) as being unpatentable over Oberg and Wendt, and further in view of Richardson et al. (US 2004/0178944). This rejection is respectfully traversed.

Independent claims 11 and 23 recite features similar to those discussed above in connection with independent claims 7 and 19. As such, claims 11 and 23 are patentably distinguishable over Oberg/Wendt for similar reasons as claims 7 and 19. Furthermore, Richardson fails to remedy the deficiencies of Oberg and Wendt mentioned above in connection with claims 7 and 19. As best understood, Richardson is merely relied upon to teach noncontact wireless communication equipment (see Office Action at page 9).

Accordingly, Oberg, Wendt, and Richardson, taken separately or in obvious combination, fail to teach or suggest every feature of claims 11 and 23. At least for this reason, claims 11 and 23 are in condition for allowance. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Application No. 10/580,568
Amendment dated August 31, 2009
Reply to Office Action of May 29, 2009

Docket No.: 1163-0568PUS1

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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